

TESTIMONY OF
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BEFORE THE
COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS
UNITED STATES SENATE

MARCH 5, 2002

I want to thank the Committee for the invitation to speak on the issues of human reproductive cloning and on the use of nuclear transplantation in research with human stem cells. My name is Thomas H. Murray, Ph.D. I am President of The Hastings Center, a non-profit, non-partisan research institute devoted to ethical issues in health and medicine, the life sciences, and the environment. Until it was allowed to disappear into the sunset in October 2001, I was a presidential appointee to the National Bioethics Advisory Commission. That body was charged with deliberating and offering advice on a range of issues in bioethics including human reproductive cloning and research on human stem cells. I had the honor and the awesome responsibility of participating in those deliberations. The United States Senate and the House of Representatives has the even more awesome responsibility of setting our nation's policy on these issues. I offer my remarks with gratitude and respect.

There are individuals who have proclaimed their intention to attempt to create a child through cloning. These proclamations show an appalling lack of understanding of the scientific difficulties involved and the horrendous carnage left in the wake of efforts to clone other mammalian species, as well as the increasing evidence that even apparently healthy cloned mammals are, in fact, far from normal. More importantly, the entrepreneurs who want to rush into human reproductive cloning show a stunning indifference to the great ethical issues it raises. The National Bioethics Advisory Commission concluded in its report on human cloning in June 1997: ".at this time it is morally unacceptable for anyone in the public or private sector, whether in a research or clinical setting, to attempt to create a child using somatic cell nuclear transfer cloning." (p. iii) The Commission relied on two lines of reasoning.

First, given the risks and the uncertainties, any effort to create a human child through cloning would constitute morally abhorrent research on human subjects, both on any child so created, and on the woman who would bear that child. If anything, the accumulating scientific research since then has reinforced that argument: Reproductive cloning is a perilous and uncertain enterprise; attempting it on humans would be grossly unethical human experimentation. Unfortunately, in the United States not all human experimentation is publicly accountable. Studies done with private funds may escape the procedures we have created to protect human subjects.

Second, the Commission called attention to ethical issues beyond the ethics of human subjects research. Its report referred to "many other serious ethical concerns [that] have been identified which require much more widespread and careful public deliberation before this technology may be used." I would add, if it would ever be used to try to make a baby. These concerns include a broad range of issues from the meaning and nature of parenthood to the limits and wisdom of attempting to control the traits of our children. I am pleased to see that the new presidential bioethics body, the President's Council on Bioethics, is taking up the Commission's recommendation to deliberate further on these issues.

Human cloning advocates have had a very difficult time coming up with a plausible scenario for when reproductive cloning would be good for any child so created and for its parents. The most sympathetic scenario, replacing a lost child, is also fraught with moral peril as it creates impossible expectations for the child and an ultimately futile effort to fashion a

technological escape from grief.

Nuclear transplantation in research with human stem cells is a different issue. Federal funding for research on human embryonic stem cells has now been approved for cell lines created before the date and time of the President's announcement in August. In September 1999 the National Bioethics Advisory Commission issued its report, "Ethical Issues in Human Stem Cell Research." That report recommended federal funding for research on human embryonic stem cells derived from embryos left over after in vitro fertilization and destined to be discarded. The Commission also proposed very stringent safeguards to insure full informed consent of the adults donating such embryos for research, and to prohibit commerce in embryos.

It is important to note that the Commission consulted a broad variety of experts in theology from four great religious traditions: Roman Catholicism, Protestantism, Judaism, and Islam.

We discovered a range of views on embryonic stem cell research within and not merely among traditions, including among Catholic and Protestant theologians, some of whom opposed embryonic stem cell research, and some of whom argued that their tradition, properly understood, permitted it.

Scientists cannot say with certainty which avenues of research with human stem cells, from which sources, will lead to important discoveries or new therapies. Nor can they say with certainty whether research involving nuclear transplantation will contribute to breakthroughs. The path is rocky and uncertain, however promising it may be. What scientists can say is that to block off a particular path, indeed to make pursuing it a criminal offense, is an extraordinary if not unprecedented barrier to research with unknown consequences for the development of possible new therapies.

There are important positive steps we can take now to control destructive uses of the technology. We can insist that all such research, whether publicly or privately funded, must be conducted according to the most stringent ethical standards. This would require legislation bringing such research under the so-called Common rule, 45CFR46. I would like to point out that the Feinsein-Kennedy legislation to ban reproductive cloning includes these protections. We can begin to enhance public accountability of the infertility industry by establishing stringent standards for procuring human eggs-now left to an essentially unregulated market.

Thank you for this opportunity to testify and I look forward to responding to your questions.